

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ramsey AlQaisi	Team: Squad #15	CCRB Case #: 201407006	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 07/11/2014 11:00 PM	Location of Incident: 79th Precinct stationhouse	Precinct: 79	18 Mo. SOL 1/11/2016	EO SOL 1/11/2016	
Date/Time CV Reported Mon, 07/14/2014 10:43 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Mon, 07/14/2014 10:43 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Matthew Monkowski	04545	930757	079 PCT
2. An officer			079 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT John Randazzo	03902	902917	079 PCT
2. POM Manuel Matias	18329	955150	079 PCT
3. SGT Mark Perrault	4070	937275	079 PCT

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Abuse: An officer threatened to arrest § 87(2)(b)	
B. SGT Matthew Monkowski	Abuse: Sgt. Matthew Monkowski did not obtain medical treatment for § 87(2)(b)	

### Case Summary

On July 14, 2014, § 87(2)(b)'s girlfriend, § 87(2)(b) filed this complaint on behalf of § 87(2)(b) did not witness the incident (encl. 3b, 8).

On July 11, 2014, at approximately 11:00 p.m., § 87(2)(b) was inside of a holding cell inside of the 79<sup>th</sup> Precinct stationhouse in Brooklyn. § 87(2)(b) continually screamed for medical attention while he was inside of the cell. The cell attendant, identified by the investigation as PO Manuel Matias, allowed § 87(2)(b) to make a phone call and he called his sister, § 87(2)(b). § 87(2)(b) subsequently called 911 and requested medical assistance to the stationhouse. At approximately 11:26 p.m., EMT § 87(2)(b) and EMT § 87(2)(b) arrived to the stationhouse. § 87(2)(b) stated that he heard an unidentified officer outside of the cells area say, "Ain't nothing wrong with him." § 87(2)(b)'s mother, § 87(2)(b) and her boyfriend, § 87(2)(b) were in the lobby of the stationhouse screaming back and forth with § 87(2)(b) about his need for medical attention. Also, § 87(2)(b) and § 87(2)(b) alleged that an officer told her that she would be arrested if she did not leave the stationhouse (**Allegation A**). According to the New York City FDNY Computer Assisted Dispatch report prepared by the EMTs responding to the stationhouse, the desk sergeant, who was identified by the investigation as Sgt. Matthew Monkowski, stated to them that no one needed medical attention at that time (**Allegation B**).

### Mediation, Notice of Claim, and Criminal Histories

- This case was ineligible due to § 87(2)(b)'s arrest on the date of incident § 87(2)(b) § 87(2)(b)
- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of May 12, 2015 with regard to the incident (encl. 19).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)

### Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) (encl. 2b-2c).
- Sgt. Monkowski has been a member of the service for twelve years and there are no substantiated CCRB allegations against him (encl. 2a). § 87(2)(g) § 87(2)(g)

### Civilian Statements

§ 87(2)(b) (encl. 4a-4e)

- § 87(2)(b) was in a holding cell and started to have chest pains and feel lightheaded.
- He asked PO Manuel Matias for medical attention. PO Matias told § 87(2)(b) that he would speak with the sergeant.
- PO Matias let § 87(2)(b) make a phone call and he called his sister, § 87(2)(b). § 87(2)(b) told her that the officers would not get him medical assistance. § 87(2)(b) called 911 and requested an ambulance.

- Then, § 87(2)(b) heard sirens and saw flashing lights through the window of the cell.
- § 87(2)(b) heard an unidentified officer outside of the cells area speaking with EMTs and say, “Ain’t nothing wrong with him.” Then, the EMTs left without providing medical attention to § 87(2)(b).
- § 87(2)(b) continued to scream, “I need medical attention.” § 87(2)(b) could hear his mother, § 87(2)(b) asking why he was not receiving medical attention. § 87(2)(b) could hear § 87(2)(b) screaming while he was in the cell.
- § 87(2)(b) stated that later, § 87(2)(b) told him that an officer told her that she would be arrested.

§ 87(2)(b) (encl. 5a-5f)

- § 87(2)(b) went to the 79<sup>th</sup> Precinct stationhouse with her boyfriend, § 87(2)(b) to inquire about § 87(2)(b)’s arrest.
- When she arrived at around 5 p.m., she heard § 87(2)(b) screaming from the holding cells area that he needed medical attention. § 87(2)(b) and § 87(2)(b) were yelling back and forth every time she came back inside. § 87(2)(b) periodically went outside to smoke cigarettes to calm down.
- Several unidentified officers kept telling § 87(2)(b) to not yell inside of the stationhouse.
- § 87(2)(b) observed two EMTs enter the stationhouse when she was in the lobby. § 87(2)(b) thought that the EMTs were there for § 87(2)(b).
- An officer told § 87(2)(b) that she would have to leave because she kept screaming. § 87(2)(b) was speaking very loudly and was getting angry. § 87(2)(b) told § 87(2)(b) that they should leave before she gets arrested.

§ 87(2)(b) (encl. 6a-6e)

- § 87(2)(b) went to the stationhouse by himself and met § 87(2)(b) there between 7 and 9 p.m. § 87(2)(b) was speaking with an officer about getting § 87(2)(b) medical attention.
- § 87(2)(b) was screaming from his holding cell that he wanted to see a doctor and repeated this statement about twenty times. § 87(2)(b) saw § 87(2)(b)’s hand waving outside of a cell about a hundred feet away into the stationhouse.
- § 87(2)(b) and § 87(2)(b) were screaming to each other. § 87(2)(b) heard an officer say that § 87(2)(b) had refused medical attention.
- After about half an hour, an unidentified officer told § 87(2)(b) that if she did not calm down and stop screaming that she would be arrested. § 87(2)(b) and § 87(2)(b) left the stationhouse.

## Officer Statements

### Subject Officer: SGT. MATTHEW MONKOWSKI (encl. 9a-9e)

- Sgt. Monkowski did not recall the incident at all even after being presented with multiple documents, shown a photo of § 87(2)(b) and provided with a brief narrative of the incident.
- Sgt. Monkowski was presented with the arrest stamp for § 87(2)(b) in the command log. Sgt. Monkowski stated that he recognized that it might be his handwriting which wrote that § 87(2)(b) refused medical attention at 1:00 a.m. on July 12, 2014. Sgt. Monkowski did not recall why he requested medical attention or when the EMTs arrived.

- Sgt. Monkowski stated that the 10:56 p.m. entry on July 11, 2014 was his handwriting noting that he was at the desk. Sgt. Monkowski stated that entries after that one were his handwriting.
- Sgt. Monkowski denied telling EMTs that § 87(2)(b) did not need medical attention.

**Witness Officer: PO MANUEL MATIAS (encl. 10a-10c)**

- PO Matias did not recall the incident at all even after being presented with multiple documents, shown a photo of § 87(2)(b) and provided with a brief narrative of the incident.
- PO Matias stated that he was assigned as the cell attendant and if a prisoner asked for medical attention, he would inform the desk officer.

**Other Officers Interviewed (encl. 11a-12e)**

Sgt. Mark Perrault and Sgt. Randazzo were interviewed by the CCRB but were not present for the incident and did not recall the incident. Sgt. Perrault and Sgt. Randazzo had been assigned as desk sergeants earlier on July 11, 2014.

**Medical Records**

**FDNY Computer Assisted Dispatch Report #§ 87(2)(b)**

At approximately 11:19 p.m. on July 11, 2014, a female called 911 and said that her brother, § 87(2)(b) who is at the 79th Precinct stationhouse, is having chest pain and feeling faint. § 87(2)(b) has a history of asthma. At approximately 11:48 p.m., the EMTs were on scene at the stationhouse. At approximately 11:53 p.m., the desk sergeant states that no one needs medical attention and all of the prisoners have been questioned.

**FDNY Computer Assisted Dispatch Report #§ 87(2)(b)**

At approximately 12:06 a.m. on July 12, 2014, police at the 79th Precinct stationhouse requested EMS. At approximately 12:16 a.m., EMTs were on the scene and treating a patient.

**NYPD Documents**

**79<sup>th</sup> Precinct Command Log (encl. 16a, 16i, 16k)**

- At approximately 11:00 a.m. on July 11, 2014, § 87(2)(b) was brought into the station house after he was arrested by Det. Willie Johnson § 87(2)(b)
- At approximately 7:20 p.m., on July 11, 2014, Lt. McCaughey was at the desk and Sgt. Randazzo went to have his meal break.
- At approximately 10:56 p.m., on July 11, 2014, Sgt. Monkowski assumed the responsibilities of the desk and Sgt. Randazzo went to perform another unspecified administrative role.
- There were no entries regarding an ambulance responding between 11:00 p.m. on July 11, 2014 and 12:00 a.m. on July 12, 2014.
- Under the remarks section of § 87(2)(b)'s arrest stamp, it states that EMS was requested on July 12, 2014 at 1:00 a.m. and § 87(2)(b) refused medical attention at the stationhouse.

**79<sup>th</sup> Precinct Roll Call (encl. 17a-17j)**

According to the roll call for Tour 3 on July 11, 2014, Sgt. Randazzo was assigned as the desk officer, PO Matias as the cells attendant, and PO Rosanna Milton as the telephone switchboard operator.

According to the roll call for Tour 1 on July 12, 2014, Sgt. Monkowski was assigned as the desk officer, PO Randy Williams as the cells attendant, and Det. Anthony Ward as the telephone switchboard operator.

**Event Summary #§ 87(2)(b) (encl. 15a-15y)**

At approximately 11:19 p.m. on July 11, 2014, a female, identified via investigation as § 87(2)(b) § 87(2)(b) called 911 to report that her brother, § 87(2)(b) was experiencing chest pain and difficulty breathing, was asthmatic and dehydrated. At approximately 11:26 p.m., an ambulance was at the scene. At approximately 11:53 p.m., the sergeant at the desk states that no prisoner needed medical attention and that he questioned all of the prisoners.

**Event Summary § 87(2)(b) (encl. 15a-15y)**

At approximately 12:06 a.m. on July 12, 2014, police at the 79th Precinct stationhouse requested EMS for an injured juvenile. At approximately 12:35 a.m., the patient was transported to § 87(2)(b).

**911 Audio Recording (encl. 15a)**

On July 11, 2014, at approximately 11:19 p.m. § 87(2)(b) § 87(2)(b) called 911 and said that she was on the phone with her brother, § 87(2)(b) who had been at the 79th Precinct stationhouse since 7:00 a.m. that morning. § 87(2)(b) § 87(2)(b) stated that § 87(2)(b) was feeling faint and chest pains and the police were refusing him medical attention and food. The call was connected to EMS. § 87(2)(b) § 87(2)(b) told EMS that § 87(2)(b) has a history of asthma and was having difficulty breathing.

**Findings and Recommendations**

**Explanation of Subject Officer Identification**

§ 87(2)(b) and § 87(2)(b) alleged that an unidentified officer told her that she would be arrested if she did not leave the stationhouse. The investigation did not identify the subject officer because it would not affect the recommended disposition. § 87(2)(g)

Based on the command log entries and his own testimony, the investigation established that Sgt. Monkowski was assigned as the desk officer when EMT § 87(2)(b) and EMT § 87(2)(b) responded to the stationhouse at approximately 11:26 p.m. on July 11, 2014 in response to a 911 call made by § 87(2)(b) on behalf of her brother, § 87(2)(b). According to Event Summary #§ 87(2)(b) and FDNY CAD Report § 87(2)(b), the desk sergeant, who was identified by the investigation to be Sgt. Monkowski, told EMT Harrison and EMT Velez that no one needed medical attention at the time of their response to the stationhouse. § 87(2)(g)

**Allegation Not Pled**

**Abuse of Authority:** On July 12, 2014, at approximately 12:16 a.m., EMTs responded to the stationhouse at the request of the police. According to the command log entries, Sgt. Monkowski wrote that EMS was requested for § 87(2)(b) but he refused medical attention. § 87(2)(b) testified state that when he was brought to the front desk, an unidentified officer said to the

EMTs, “Everything alright with him. He don’t need nothing. He faking it.” § 87(2)(b) spent five minutes being evaluated by the EMTs and was returned to his holding cell. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

### **Investigation Findings and Recommendations**

#### **Allegation A – Abuse of Authority: An officer threatened to arrest** § 87(2)(b)

During his sworn statement, § 87(2)(b) stated § 87(2)(b) told him that an officer told her that she would be arrested for disorderly conduct.

According to § 87(2)(b) an unidentified officer told § 87(2)(b) that if she did not calm down and stop screaming that she would be arrested.

§ 87(2)(b) did not raise this allegation during her sworn statement. She stated that an unidentified officer told her that she would have to leave the stationhouse because she kept screaming. § 87(2)(b) acknowledged speaking very loudly and getting angry inside of the stationhouse. She stated that § 87(2)(b) told her that they should leave before she gets arrested.

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

#### **Allegation B – Abuse of Authority: Sgt. Matthew Monkowski did not obtain medical treatment for** § 87(2)(b)

It is undisputed that § 87(2)(b) was in a holding cell at the 79<sup>th</sup> Precinct stationhouse and was eventually allowed to call § 87(2)(b). It is undisputed that § 87(2)(b) called 911 and requested EMS to the stationhouse on behalf of § 87(2)(b). It is also undisputed that EMT § 87(2)(b) and EMT § 87(2)(b) went to the stationhouse, consulted with the desk sergeant and were told that no prisoners needed medical attention.

According to the 911 call placed by § 87(2)(b) on July 11, 2014, at approximately 11:19 p.m., she requested an ambulance for § 87(2)(b) at the stationhouse (encl. 15a). She was on the phone with him and he informed her that he was feeling faint and had chest pains and the police were refusing him medical attention. Event Summary #§ 87(2)(b) and FDNY CAD report #§ 87(2)(b) for the incident confirmed that EMTs arrived to the stationhouse at 11:26 p.m. and then at 11:53 p.m., the EMTs transmitted that the desk sergeant, who was identified by the investigation as Sgt. Monkowski, stated that all prisoners were questioned and no prisoner needed medical attention (encl. 15a-15y, Medical Records). In his CCRB interview, Sgt. Monkowski acknowledged being at the desk starting from 10:56 p.m. on July 11, 2014 and making the subsequent entries in the command log until at least 1:00 a.m. on July 12, 2014 (encl. 9a-9e).

Sgt. Monkowski did not recall the incident at all even after being presented with documentation, shown the command log entries and a photo of § 87(2)(b) and provided with a brief narrative of the incident (encl. 9a-9e). PO Matias did not recall the incident either (encl. 10a-10c). Sgt. Mark Perrault and Sgt. Randazzo, who were interviewed by the CCRB, were not present for the incident (encl. 11a-11e, 12a-12e). Both officers were assigned to the desk earlier on July 11, 2014.

According to NYPD Patrol Guide Procedure 210-04, the desk officer is mandated to request an ambulance for any prisoner who requests medical treatment (encl. 1a-1i).

§ 87(2)(g)

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Pod: 15

Investigator:	_____	<u>Ramsey AlQaisi</u>	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date